**IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF VIRGINIA**

Alexandria Division

XUAN-KHA PHAM,	)	
	)	
Plaintiff,	)	
	)	
v.	)	Case No. 1:22-cv-481 (PTG/jfa)
	)	
CENTRAL INTELLIGENCE AGENCY,	)	
	)	
	)	
Defendant.	)	

ORDER

On March 27, 2023, Defendant filed a Motion to Dismiss for Failure to State a Claim ("Motion"). Dkt. 9. Plaintiff, Xuan-Kha Pham, is a *pro se* litigant. Defendant failed to provide Plaintiff the required notices pursuant to Local Rule 7(K) and *Roseboro v. Garrison*, 528 F. 2d 390 (4th Cir. 1975).[1] Accordingly, the Court, *sua sponte*, advises Plaintiff as follows:

In accordance with *Roseboro v. Garrison*, 528 F. 2d 390 (4th Cir. 1975), Plaintiff is advised that:

1. Plaintiff is entitled to file a response opposing Defendant's Motion, Dkt. 9, and any such response must be filed within twenty-one (21) days from the date of this Order and a copy provided to Defendant's counsel; and

2. The Court could dismiss this action on the basis of Defendant's papers if Plaintiff does not file a response; and

---

[1] Attached to Defendant's Motion to Dismiss for Failure to State a Claim, Dkt. 9, Defendant filed a document that is entitled on the docket as "Roseboro Notice." Dkt. 9-1. However, when the document is opened, it is not a *Roseboro* notice, but a "Notice of Waiver of Hearing." *Id.*

3. Plaintiff must identify all facts stated by Defendant with which he disagrees and must set forth Plaintiff's version of the facts by offering affidavits (written statements signed before a Notary Public and under oath) or by filing sworn statements (bearing a certificate that it is signed under penalty of perjury); and

4. Plaintiff is entitled to file a legal brief in opposition to the one filed by Defendant.

The Clerk is directed to send a copy of this Order to Plaintiff Xuan-Kha Pham, who is proceeding *pro se*.

Entered this ____ day of April, 2023

Alexandria, Virginia

Patricia Tolliver Giles
United States District Judge

2